

On page 10, line 6, please delete the text "MT 204" and insert instead the text -- MU 202--.

On page 14, line 19, please delete the text "is" and insert instead the text -- using--.

On page 16, line 26, please delete the text "4,401,307" and insert instead the text -- 4,901,307 --.

IN THE CLAIMS

Please renumber claims 41-61, 63 and 64 as 40-60, 61 and 62.

NE > In claim 63, line 12, after the text "longer" insert the text -- than --.

REMARKS

Claims 1-39, 41-61, and 63-64 are pending in the current application. In an office action dated August 1, 2000, drawings were objected to for FIG. 1 failing to correspond with the description in the specification. The disclosure was objected to for omission of definition of an abbreviation. Claims 41-64 were objected to because claims 40 and 62 were missing. Claims 1-24, 28-39, 41-43, 54-58, and 64 were rejected under 35 U.S.C. §102(b); claims 25-27, 44, 49-53 and 59 were rejected under 35 U.S.C. §103(a); and claims 45-48 and 60, 61, and 63 were allowed.

In the current amendment, with respect to the objections, Applicants brought the drawings and specifications to compliance and submitted new formal drawings, defined the abbreviation, and authorized the Examiner to renumber claims. Applicants assert that the corrections are of formal matter because all corrections are contained in the original specification; consequently, the corrections do not constitute new matter. Because all of the stated grounds for objection have been properly accommodated, the Examiner is respectfully requested to withdraw the objections.

Applicants respectfully traverse the rejections presented by the Examiner.

Objection to Drawings

The drawings were objected to for FIG. 1. Failing to correspond with the description in the specification. Applicants accepted the Examiners invitation to bring the drawings and specifications to compliance. Applicants assert that the corrections are of formal matter because all corrections are contained in the original specification; consequently, the corrections do not constitute new matter.

Applicants submitted new formal drawings as requested by the office action.

Because all of the stated grounds for objection have been properly accommodated, the Examiner is respectfully requested to withdraw the objections.

Objection to Specification

The disclosure was objected to for omission of definition of "BSM". Applicants defined the abbreviation. Because the added definition corresponds to the original text, no new matter has been added.

Because all of the stated grounds for objection have been properly accommodated, the Examiner is respectfully requested to withdraw the objections.

Claims Objection

Claims 41-64 were objected to because claims 40 and 62 were missing. Applicants authorized the Examiner to renumber claims 41-61, 63 and 64 as 40-60, 61 and 62.

Claim 64 was objected to because a preposition-- than -- was omitted from the comparison "longer than". Applicants amended claim 63 to correct this informality. Because the omission is of a grammatical nature, no new matter has been added.

Because all of the stated grounds for objection have been properly accommodated, the Examiner is respectfully requested to withdraw the objections.

Claim Rejection under 35 U.S.C. § 102(b)

Claims 1-24, 28-39, 41-43, 54-58, and 64 stand rejected under 35 U.S.C. §102(b) as being anticipated by Tiedemann, Jr. et al. (U.S. Patent 5,392,287).

In regards to claims 1, 2, 14, and 58 the office action contends that Tiedemann, Jr. et al., in column 8, lines 54-64, teaches each and every element of Applicant's claimed invention. Applicants respectfully disagree.

Applicants' claim 1 reads in a pertinent part:

providing for each respective message a respective signature;

Thus, Applicants claim that *each* respective message is provided with a respective *signature*. In contrast, no such a concept is disclosed by Tiedemann, Jr. et al. First, "A message directing the mobile station to update system parameters *may* also have one more fields containing 'sequence numbers.'" (Tiedemann, Jr. et al., col. 8, lines 54-57, emphasis supplied) Therefore, not *each* message contains the sequence numbers. Furthermore, "instruction 226 *may* direct the mobile station to update system parameters" (Tiedemann, Jr. et al., col. 8, lines 53-54, emphasis supplied). Therefore, not *each* instruction is directing the mobile station to do so. Consequently, not *each* message contains the instruction directing the mobile station to update system parameters, and, consequently, not *each* message contains the sequence numbers. Consequently, the sequence numbers are not equivalent to signature of Applicants' claims.

Furthermore, applicants' claim 1 reads in a pertinent part:

comparing the respective signature for any given respective message with at least one signature.

Thus, Applicants claim that the comparison is done for *any* given respective message. In contrast, Tiedemann, Jr. et al. conducts a comparison only "*when* the next message containing such a sequence is received" (Tiedemann, Jr. et al., col. 8, lines 59-64, emphasis supplied). Because the comparison is not conducted for *any* given respective message, Tiedemann, Jr. et al. fails to teach each and every element of Applicants claim 1.

Therefore, because Tiedemann, Jr. et al. fails to teach each and every element of Applicant claim 1, the Examiner is respectfully requested to withdraw the rejection.

With respect to claims 3-13, 15-24, 28-43, and 54-57, Applicants note that the claims are dependent from claim 1 and/or any intervening claims. Because, as discussed, claim 1 and any intervening claims are in condition for allowance, it follows that claims 3-13, 15-24, 28-43, and 54-57 are also in condition for allowance, and the Examiner is respectfully requested to withdraw the rejection.

Claim Rejection under 35 U.S.C. § 103(a)

Claims 25-27, 44, 49-53 and 59 stand rejected under 35 U.S.C. §103(a) as being anticipated by Tiedemann, Jr. et al.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, *not in Applicant's disclosure*.

In regards to claims 25-27 the office action admits that Tiedemann, Jr. et al. fails to disclose listening for a first second and third respective messages, but contends that it would be obvious to one of ordinary skills to modify Tiedemann, Jr. et al. "to listen to a respective message having a respective sequence number (signature) that does not match a corresponding sequence number (signature) previously stored and, therefore, saving battery power since only a different message not previously received would be decoded." Applicants respectfully disagree.

First, as discussed, Tiedemann, Jr. et al. fails to teach each and every element of Applicant claim 1. Consequently, even if Tiedemann, Jr. et al. could be modified, the modification would still failed to teach Applicants claims 25-27 because these claims depend from claim 1.

Second, there is no reasonable expectation of success. Assume, *arguendo*, that the signature of Applicant's invention is an equivalent to the sequence number of Tiedemann, Jr. et al. The sequence number is *in* the message (Tiedemann, Jr. et al., col. 8, lines 49-57). Therefore, the message *must* be decoded to ascertain the sequence number. Consequently, no power savings can be accomplished as the office action contends.

For the above reasons obviousness *prima facie* has not been established, and the Examiner is respectfully requested to withdraw the rejection.

In regards to claims 44, 49, 50 and 59 the office action admits that Tiedemann, Jr. et al. to fails to disclose the use of hash function for providing signatures, but contends that it would be obvious to one of ordinary skills to modify Tiedemann, Jr. et al. do so. Applicants respectfully disagree.

First, as discussed, Tiedemann, Jr. et al. fails to teach each and every element of Applicant claim 1. Consequently, even if Tiedemann, Jr. et al. could be modified, the modification would still failed to teach Applicants claims 44, 49, 50 and 59 because these claims depend from claim 1.

Furthermore, even assuming, *arguendo*, that the signature of Applicant's invention is an equivalent to sequence number of Tiedemann, Jr. et al., there is no suggestion or motivation in Tiedemann, Jr. et al. to use a hashing function for providing sequence numbers. Because Tiedemann, Jr. et al. specifically discusses the use of hashing function to *assign slot numbers*, but not to *assign sequence numbers*, the office action used hindsight reconstruction to arrive at elements of Applicant's claims.

For the above reasons obviousness *prima facie* has not been established, and the Examiner is respectfully requested to withdraw the rejection.

In regards to claims 51-53 the office action admits that Tiedemann, Jr. et al. fails to disclose the use of a counter for providing signatures, but takes Official Notice that it is well known in the art to use counters when assigning sequence numbers to a sequence of messages. Applicants respectfully disagree.

First, as discussed, Tiedemann, Jr. et al. fails to teach each and every element of Applicant claim 1. Consequently, even if Tiedemann, Jr. et al. could be modified, the modification would still failed to teach Applicants claims 51-53 because these claims depend from claim 1.

Furthermore, Applicants do not claim use of a counter *per se*, but rather use of a counter in a certain manner.

For the above reasons obviousness *prima facie* has not been established, and the Examiner is respectfully requested to withdraw the rejection.

Allowable Subject Matter:

The office action objected to clams 45-48 and 60, 61, and 63 as being dependent on rejected base claims. Applicant gratefully acknowledges the Examiner's indication that they would be allowed if re-written in an independent form.

However, Applicant believes that the arguments presented in this amendment render all the base claims allowable. Consequently, claims 45-48 and 60, 61, and 63 should be also allowed as written. Applicant, however, reserves the option of re-writing them in an independent form in the course of prosecution.

CONCLUSION

All of the stated grounds for objection and rejection have been properly accommodated and traversed. Applicants, therefore, respectfully request that the Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. It is believed that a full and complete reply has been made to the outstanding Office Action, and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

Dated: 1 November, 2000

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